


IOWA DISTRICT COURT, EIGHTH JUDICIAL DISTRICT

PROCEDURES AND REQUIREMENTS CONCERNING COLLECTIONS OF COURT DEBT	SUPERVISORY ORDER - 05
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As a result of the recent Supervisory Order from the Chief Justice of the Iowa Supreme Court, dated July 2, 2010, and effective July 12, 2010, (a copy of which is attached) the earlier Supervisory Order of March 5, 2009, governing Collection of Court Debt in the Eighth Judicial District should be and is hereby rescinded. The procedures and requirements Concerning Collection of Court Debt shall be governed by the Supreme Court's order.

Dated this 14th day of July, 2010.



JAMES Q. BLOMGREN, CHIEF JUDGE
EIGHTH JUDICIAL DISTRICT OF IOWA

CC: All Eighth District Judges and Magistrates
All Eighth District Clerks of Court
All Eighth District County Attorneys
David Boyd, State Court Administrator
Brent Appel, Supreme Court Liaison Justice
Marsha Ternus, Chief Justice, Supreme Court
Tomas Rodriguez, State Public Defender
Deb Dice, Eighth District Court Administrator

IOWA DISTRICT COURT, EIGHTH JUDICIAL DISTRICT

PROCEDURES AND REQUIREMENTS CONCERNING COLLECTION OF COURT DEBT

SUPERVISORY ORDER

The workload of the offices of the Clerks of Court has dramatically increased while the staffing of the Clerk's offices has decreased. Budget cuts for Fiscal Year '09 and Fiscal Year '10 will place further strain on the limited resources of the Court. Therefore, it shall be the policy of the Eighth Judicial District that routine court orders for time to pay at a fixed future date or court ordered installment payment plans are discouraged. These procedures delay other statutory collection procedures. Show cause hearings, contempt proceedings and review hearings **for collection of court debt** place an unreasonable burden upon the Court and the Clerk's office. Statutory procedures for the collection of court debt are encouraged. Modern collection methods can be just as effective without these administrative burdens. See Iowa Code Section 602.8107 as amended 82 G.A., Ch. 1172 (2008).

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Court strikes any previous Supervisory Order regarding court debt collection and substitutes this order in lieu thereof effective March 9, 2009.
2. Pursuant to Iowa Code Section 602.8107(1) "Court debt" means all fines, penalties, court costs, fees, forfeited bail, surcharges under Chapter 911, victim restitution, restitution for court appointed attorney fees or expenses of a public defender, or fees charged pursuant to Section 356.7 or 904.108.
3. Fines, surcharges, court costs and civil penalties shall be deemed to be assessed on the date they are imposed by judgment entry or deferred judgment entry. The court may, in its discretion, order a fine to be paid in installments, or may fix a date in the future which is not more than one hundred twenty days from the date the fine is imposed for the payment of the fine, whenever it appears that the defendant cannot make immediate payment, or should not be made to do so. For good cause, the court may order that the date for payment of the fine be extended beyond one hundred twenty days from the date the fine was imposed. Iowa Code Sections 909.3(1), 909.3(2), and 907.3(1).
4. Restitution for court appointed attorney fees or expenses of a public defender shall be assessed in accordance with the provisions of Iowa Code Sections

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COURT ADMINISTRATORS OFFICE
EIGHTH JUDICIAL DISTRICT

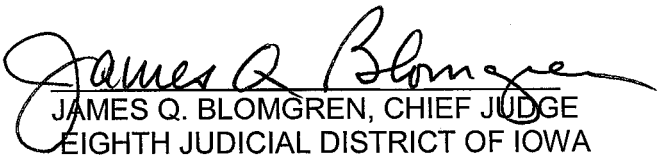
815.9(4)-(9). Appointed attorneys and public defenders shall comply with the reporting requirements of Section 815.9(6) within the time provided in 815.9(4). The paid attorney fee restitution shall be collected as court debt under Section 602.8107.

5. Victim restitution shall be determined and assessed as provided in Iowa Code Section 910.3. County Attorneys shall provide statements of pecuniary damage amounts within the time provided in Section 910.3. The Court shall establish a plan of restitution at the earliest possible date. If the defendant is placed on probation, the plan of restitution shall be collected pursuant to Section 910.4. Unpaid restitution shall be collected as court debt under Section 602.8107.
6. Court debt shall be deemed delinquent if it is not paid within thirty (30) days after the date it is assessed. Iowa Code Section 602.8107(2)(d).
7. For counties of the Eighth Judicial District where the County Attorney has not filed a notice of full commitment to participate in the County Attorney Collection Program ("CAPP") pursuant to Iowa Code Section 602.8107(4), court debt shall be collected pursuant to the following statutory procedures:
 - a) Court debt is deemed delinquent if it is not paid within thirty (30) days after the date it is assessed. Iowa Code Section 602.8107(2)(d). Within fifteen (15) days of delinquency, the Clerk of Court shall refer delinquent court debt to the Centralized Collection Unit of the Iowa Department of Revenue ("CCU") for collection pursuant to Iowa Code Section 602.8107(3).
 - b) The Clerk of Court shall notify the directors of the Department of Revenue and the Department of Administrative Services of all assessed court debt for set off pursuant to Section 8A.504 for set off against any money due the defendant through income tax refunds, lottery winnings, vendor checks or other qualifying amounts.
 - c) The Clerk of Court shall notify the director of the Iowa Department of Transportation and the County Treasurer of any delinquent court debt as deferred in Section 910(1)(4) for a hold on renewal of vehicle registration pursuant to the Iowa Code Section 321.40.
 - d) The Clerk of Court shall notify the Iowa Department of Transportation for license suspension procedures under Iowa Code Section 321.210A upon the failure of a person to pay a fine, penalty, surcharge or court costs for conviction of violating a law relating to the

operation of a motor vehicle within sixty (60) days' notice by the Clerk as provided in Section 321.210A(1).

8. For counties of the Eighth Judicial District where the County Attorney has filed a notice of full commitment to participate in the CAPP program, the County Attorney may collect any court debt allowed by Section 602.8107(4). County Attorney collections may begin sixty (60) days after the court debt is deemed delinquent under Section 602.8107(2)(d).
 - a) County Attorneys participating in the CAPP may imply a variety of judgment collection techniques including but not limited to wage assignments, garnishments and installment payment plans.
 - b) Concurrently with collections under a CAPP, the Clerk of Court shall refer court debt for collection in accordance with the set off procedures of Section 8A.504, and vehicle registration holds under Section 321.40. The driver's license suspension under Section 321.210A shall also be used unless the County Attorney has lifted the suspension pursuant to a County Attorney payment plan under Section 321.40(9)(b).
9. County Attorneys and Judges of the Eighth Judicial District shall modify form orders for judgment entries, deferred judgments and other dispositional orders in a manner consistent with this Supervisory Order and the statutes cited herein.

Dated this 5th day of March, 2009.


JAMES Q. BLOMGREN, CHIEF JUDGE
EIGHTH JUDICIAL DISTRICT OF IOWA

Cc: All 8th District Judges and Magistrates
All 8th District Clerks of Court
All 8th District County Attorneys
David Boyd, State Court Administrator
Brent Appel, Supreme Court Liaison Justice
Marsha Ternus, Chief Justice, Supreme Court
Mark Smith, Acting State Public Defender
Deb Dice, 8th District Court Administrator